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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/697,084
Filing Date: October 31, 2003
Appellant(s): TANIMURA ET AL.

Carl Schaukowitch
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 22, 2008 appealing from the Office action mailed October 31, 2007.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 2001/0031658	Ozaki et al.	10/18/2001
US 6,811,273	Satoh et al.	11/02/2004
US 6,623,006	Weiss	09/23/2003
US 6,790,140	Niwa	09/14/2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1,2,4, 6-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki (US 2001/0031658) in view of Satoh (US 6,811,273).

Regarding claim 1, Ozaki et al. (US 2001/0031658) discloses a gaming machine comprising a liquid crystal display device including a liquid crystal display panel (Fig. 28, 24), and a light guiding plate disposed at the rear of the liquid crystal panel (Fig. 28, 25) for guiding light emitted from illumination means (Fig. 28, 26); and a variable display device disposed at a rear of the liquid crystal display device and including a plurality of

reels provided in a row each on which a plurality of symbols are arranged (Fig. 28, 2). For a description of the components of Fig. 28, refer to paragraphs 0138 – 0139 of the specification. The gaming machine disclosed by Ozaki does not feature cutouts or recesses formed in the light guiding plate of the LCD embodiment, and further the end faces of the cutouts are not being applied with a light scattering process. Ozaki does, however, disclose cutouts formed in the light guiding panel of the electroluminescent panel embodiment, as can be seen in Fig. 2 (27). Satoh discloses an illumination unit for reels of a slot machine, and discloses that an end face of a light guiding plate cutout is applied with a light scattering process (col. 4, lines 5-17; Figs. 1 and 2).

Regarding claims 2 and 7,Satoh discloses that an end face of the cutout or recess is formed in a shape to scatter light (Figs. 2 and 3).

Regarding claims 3 and 5, wherein a part of at least one of the plurality of reels is inserted into the cutout or recess

Regarding claims 4 and 6, Satoh discloses that an end face of the cutout or recess is configured to scatter light (Figs. 2 and 3).

Regarding claim 8, wherein the game machine further comprises a processor operable to perform an internal lottery game with a random number at a predetermined timing, stop at least one of the symbols of the variable display device based on the result of the internal lottery, and pay out a game medium to a player in a case where a stop state of the variable display device corresponds to a predetermined stop state, the invention disclosed by Ozaki is applied to a slot machine, where it is notoriously well known in the art that a processor controls a random number generation process and the

outcome is then displayed to the player, and the player is awarded for any predetermined winning combination (Figs. 5-9).

Regarding claim 10, in addition to the invention as described above, Satoh explicitly discloses that the light guiding plate illuminates the reels with light scattered out from the cutout or the recess in col. 3, lines 7-8 wherein "Preferably, the illuminated objected is a reel of a slot machine".

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Ozaki and Satoh as described above as all of the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki (US 2001/0031658), Satoh et al. (US 6,811,273) and further in view of Weiss (US 6,623,006).

The combination of the teachings of Ozaki and Satoh as described above disclose a gaming machine featuring a liquid crystal display device disposed in front of a plurality of slot machine reels, wherein the light guiding plate of the liquid crystal display device includes cutouts that are applied with a light scattering process. The combination of the Ozaki and Satoh references lack in disclosing that at least one of the plurality of

reels is inserted into the cutout or recess. However, this feature is taught by Weiss, as can be seen is Fig. 3.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Ozaki, Satoh and Weiss due to their analogous inventions of slot machines featuring methods of enhancing displays in order to provide increased player enjoyment. In addition, the reels being inserted into the cutouts does not appear to present any immediate advantage over the invention disclosed by Ozaki and/or Satoh, wherein the reels are not inserted into the cutouts (as shown in Satoh Fig. 2; Ozaki Fig. 28), so long as the light guiding plate is in adequate proximity to the reels as to provide the intended illumination affect.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki (US 2001/0031658), Satoh (US 6,811,273) and further in view of Niwa (US 6,790,140).

The combination of the teachings of Ozaki and Satoh as described above disclose a gaming machine featuring a liquid crystal display device disposed in front of a plurality of slot machine reels, wherein the light guiding plate of the liquid crystal display device includes cutouts that are applied with a light scattering process. The combination of the Ozaki and Satoh references lack in disclosing an operation unit that allows the player to input operation for stopping at least one of the symbols of the variable display device. However, this is taught by Niwa, in col. 2, lines 12-26, wherein a gaming machine features a player controlled stop operation in order to stop the rotation of the

reels as desired by the player. Additionally, the player activated reel stop mechanism is a feature of slot machine type gaming devices that is notoriously well known in the art and does not render the instant invention new, novel, or unobvious.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Ozaki, Satoh and Niwa due to their analogous inventions, namely slot machines with additional features for enhancing player enjoyment.

(10) Response to Argument

Appellant's arguments filed April 22, 2008 have been fully considered but they are not persuasive.

Claim 1

1. Assertion of Examiner's Failure to Establish a Prima Facie Case of Obviousness

In response to appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, appellant argues that "a skilled person would NOT be motivated to provide an opening on the semi-transparent reflective plate 25" of the LCD screen embodiment of the invention disclosed by Ozaki (Appeal Brief, Arguments, Page 6) because "the semi-transparent reflective plate 25 is disposed to provide a backlight to the LCD panel 24. A skilled person would not be motivated to form a cutout-like the one formed on the opaque intermediate panel 27", (as taught by Ozaki and in electroluminescent panel embodiment), "on the semi-transparent reflective plate 25 that is already semi-transparent as shown by the arrows in Fig. 28" (Appeal Brief, Arguments, Page 7). The examiner respectfully disagrees with this assertion, as the secondary reference Satoh discloses cutouts disposed in a ***transparent*** light guiding plate (Satoh, col. 2, lines 7-11, 28-33). Therefore, there is clear motivation to provide cutouts in a transparent (or semi-transparent) plate as this is explicitly taught by Satoh prior to the invention disclosed by appellant.

Further, applicant's arguments that "if a cutout is formed on the plate 25, the backlight would not be provided to the LCD panel at the cutout when the back side display device 2 is made dark as described in paragraph 0139, causing the image displayed by the LCD panel [to be] damaged" (Appeal Brief, Arguments, P. 7). The examiner does not find this argument to be persuasive, as Fig. 28 of Ozaki (depicting the LCD screen embodiment of the invention) clearly shows there are two light sources, light source **26** and light source **9**, which are described in paragraph 0138 of Ozaki. As a result, there would be sufficient light reflected off of both the light guiding plate **25** and

the back side display element (i.e. the slot machine reels) **2** from light sources **26** and **9** to illuminate the LCD panel **24**.

Further, the "back side display device" referred to in paragraph 0139 of Ozaki are the slot machine reel elements (Fig. 28, element **2**, as described in paragraphs 0138 and 0139), and thus paragraph 0139 of Ozaki (as cited by the appellant) appears to describe to an embodiment of the invention wherein ***the slot machine reels themselves*** are "composed of a spontaneous luminescent type display device such as an EL device" that may be made dark, and not to the LCD screen display device being made dark. That is, the examiner does not find appellant's argument that the image displayed on the LCD panel **24** would be damaged due to cutouts being added to the reflective plate **25** because there are two light sources shown in Fig. 28 of Ozaki (light sources **9** and **26**) such that light is reflected from both the reflective plate element **25** and the back side display (i.e. slot machine reel) element **2**. Further paragraph 0139 cited by the appellant in support of this image degradation argument does not appear to describe a darkening of the LCD panel itself but instead to the darkening of the slot machine reels in an embodiment of the invention wherein the slot machine reels comprise an electroluminescent device.

Additionally, the slot machine devices disclosed by Ozaki et al. (US 2001/0031658 A1) and Satoh et al. (US 6,811,273 B2) are analogous visual effect providing devices in the player entertainment field of endeavor. The claimed elements of an LCD screen in front of slot machine reels and a light guiding plate being applied with a light scattering process in front of slot machine reels were known in the prior art and

one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions (i.e. no degradation of the image displayed on the LCD screen due to the presence of the secondary light source **9**, which reflects light off of the slot machine reel elements **2**, as shown in Fig. 28 of Ozaki), and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

In this case, all of the component parts are known in Ozaki and Satoh. The only difference is the combination of the "old elements" into a single device by mounting them onto a single slot machine gaming device. Thus, it would have been obvious to one of ordinary skill in the art to mount the light guiding plate formed with cutouts onto the gaming machine having an LCD screen as the predictable results yielded comprise the combined visual effects created from having both an LCD screen and a light guiding plate formed with a cutout, with no degradation to the image on the LCD screen due to the presence of the secondary light source element **9**.

2. Assertion of Examiner's Failure to Consider All Claim Limitations

In response to appellant's argument that the examiner fails to consider all of the claimed features of the invention, including "a part of the light guiding plate to which each of the reels is opposed is formed with a cutout or recess on the side opposed to the reel and an end face of the cutout or the recess is applied with a light scattering process" (Appeal Brief, Arguments, Page 8), the examiner reiterates the rejection made in the final office action mailed October 31, 2007. Specifically, Satoh discloses an

illumination unit for reels of a slot machine, and discloses that an end face of a light guiding plate cutout is applied with a light scattering process in col. 3, lines 59 – col. 4, line 5; col. 4, lines 5-17; and Figs. 1 and 2. As shown in Fig. 2 of Satoh, the light guiding plate element **10** is opposed to a plurality of slot machine reels **14**, the light guiding plate is formed with a cutout or a recess **10d** on a side opposed to the reels, and further an end face of the cutout or recess **10e** is applied with a light scattering process, wherein "light **15** emitted from a light source **11** is incident on the side end faces **10e** of the transparent frame member **10** and propagates inside the frame member **10**. At this time, each end face **10e** formed as the light scatter face behaves as an exit of the propagating light (light director)", as stated in col. 4, lines 12-17 of Satoh. This sufficiently meets the claim limitations and therefore the examiner does not find appellant's argument that the examiner has failed to consider all claim limitations to be persuasive.

3. Examiner's Failure to Establish Obviousness under KSR

The examiner does not find appellant's argument that the examiner has failed to establish obviousness under KSR to be persuasive. The appellant asserts that "the Examiner has failed to find that the prior art includes each claimed element as required under paragraph (a)" and further that "since the Examiner has failed to find that the prior art includes each claimed element, paragraphs (b), (c) and (d) cannot be satisfied" (Appeal Brief, Arguments, Page 10). In response, the examiner reiterates the arguments made above with respect to the combination of Ozaki et al. (US 2001/0031658 A1) and Satoh et al. (US 6,811,273 B2). Specifically, the claimed

elements of an LCD screen in front of slot machine reels, as taught by Ozaki et al., and a light guiding plate being applied with a light scattering process in front of slot machine reels, as taught by Satoh et al., were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions (i.e. no degradation of the image displayed on the LCD screen due to the presence of the secondary light source **9**, which reflects light off of the slot machine reel elements **2**, as shown in Fig. 28 of Ozaki), and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

In this case, all of the component parts are known in Ozaki and Satoh. The only difference is the combination of the "old elements" into a single device by mounting them onto a single slot machine gaming device. Thus, it would have been obvious to one of ordinary skill in the art to mount the light guiding plate formed with cutouts onto the gaming machine having an LCD screen as the predictable results yielded comprise the combined visual effects created from having both an LCD screen and a light guiding plate formed with a cutout, with no degradation to the image on the LCD screen due to the presence of the secondary light source element **9**.

Claims 2-10

Appellant's arguments that claims 2-10 either recite similar feature to those of claim 1 or depend from claim 1 and are therefore also allowable over the prior art are

not found to be persuasive for reasons similar to those recited in the above response to arguments with respect to claim 1.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Meagan Thomasson/

July 1, 2008

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